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# **Approval of Red Hill permit recommended despite risks**

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After months of deliberation, a hearing officer has recommended that the Navy get its state permit to operate underground fuel tanks at Red Hill, but said it should come with inspection and repair requirements after determining the tanks are a pollution risk to a major source of Oahu's drinking water.

In a 99-page proposed decision and order in a contested case filed against the issuance of a Department of Health permit, hearing officer Lou Chang found the Navy had met design and construction standards for the tanks according to Hawaii law, although the tanks are not adequately inspected and a nearby aquifer's drinking water supply "could be impacted in the future."

"The storage of over 180 million gallons of petroleum fuel products 100 feet above Oahu's sole source aquifer is inherently dangerous," the recommendation said. "The risk of potential pollution of the Red Hill potable water aquifer is real."

In 2019 the Navy submitted a permit application to the Health Department to operate the underground fuel tanks at Red Hill, including 14 to 18 tanks that are filled with fuel at any given time and have a storage capacity of more than 187 million gallons.

The Hawaii Sierra Club and the Honolulu Board of Water Supply requested a contested case with the hope the Health Department would add controls as a condition of the permit and possibly order the relocation of the fuel tanks, which sit just 100 feet above the only source of drinking water for 763,000 Oahu residents.

A five-day hearing was held in February involving testimony from dozens of witnesses for and against the permit. Since then, more testimony and hundreds of documents were submitted for Chang's consideration.

The DOH can reject the Navy's application for a five-year permit altogether — a possibility after its Environmental Health Administration said the Navy hasn't proven it can safely operate the tanks — but Chang recommended the permit be issued, albeit with conditions that require all the tanks to be inspected and repaired by the end of 2024.

Two or three of the facility's 20 tanks are usually empty for cleaning, inspection and repair, but Chang wrote that "the Navy's actual performance of inspections and repairs to the Red Hill tanks is sorely deficient."

He found that two of the tanks had been permanently taken out of service for many years, and that only nine of the 18 active tanks had been properly inspected for their condition and integrity

during the last 20 years. Two tanks hadn't been inspected in 38 years, and another hadn't been inspected in 40 years.

One of Chang's recommended conditions is that any tank that hasn't been properly inspected and repaired by Dec. 31, 2024, must be drained and removed from active use until it is inspected, repaired and determined to be in operating condition.

Another recommendation would require the Navy to provide annual progress reports to the DOH on tank inspections and repairs.

An estimated 180,000 gallons of fuel have been released from the facility's tanks during its 80-year existence, although 84% of that amount was released between 1940 and 1990. Only four of the facility's 73 total fuel leaks have been recorded since, and together they contributed just 28,500 gallons released.

Chang noted that a 2014 leak that displaced 27,000 gallons of fuel was caused by human error rather than corrosion, the latter a major concern for the Sierra Club and the Board of Water Supply.

Although fuel hasn't contaminated the water source yet, according to Chang's recommendation there is evidence the tanks have not prevented moisture from corroding some of its parts.

"All the components of the multiple layers of leak prevention capability are not completely fail safe with respect to developing conditions that could facilitate the release of stored fuel product," he said.

Tank upgrades to prevent corrosion have been proposed, although none have inspired universal confidence.

The involved parties can still respond to Chang's recommendation, the Sierra Club said, and will have the opportunity to provide oral arguments to DOH Director Dr. Libby Char before she makes a final decision on the permit application.